

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3096 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO
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DARSHAN K VADODARIA

Versus

STATE OF GUJARAT

Appearance:

MR HJ NANAVATI for Petitioner
MS MANISHA LAVKUMAR for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 31/08/2000

ORAL JUDGEMENT

#. Arguments were heard in this matter on 4.8.2000. The matter was ordered to be placed in the court for dictation of order on 29.8.2000. This has been ordered as the petitioner's counsel wanted to take instructions from the petitioner whether something still survives in the petition and whether the applications were invited

for filling of these posts by GPSC or not and if applications were invites, what is the result thereof.

#. The learned counsel for the petitioner states that he sent a letter to the petitioner but he has not replied the same, meaning thereby, he has no instructions in the matter. Arguments were already heard in this matter on the last date and the matter has to be decided on merits.

#. The petitioner has made two-fold prayers in this special civil application. Firstly, to declare that he is entitled to continue in service as full-time lecturer on his respective post and he is entitled to vacation salaries as per rules and secondly, for direction to the respondents, not to terminate his services and further to direct them to pay vacation salaries and other benefits.

#. So far as prayer for restraining the respondents from terminating the services of the petitioner is concerned, no such relief can be granted as the petitioner was appointed only on adhoc basis as lecturer which post was within the purview of GPSC and the appointment can be made thereon only on recommendation being made by GPSC of the candidate. It is a different matter that in the State of Gujarat for the reasons best known to it, it is believing in continuing adhocs even in the cadre of posts which fall under the purview of Public Service Commission.

#. So far as other prayer is concerned regarding claim of the petitioner for salaries for vacation etc., the petitioner is free to make a representation to the Commissioner of Higher Education and he will take care of the matter. If such a representation is made by petitioner, the Commissioner has to decide the same in accordance with law within reasonable period. The Rule and special civil application stands disposed of accordingly with no order as to costs.

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(sunil)